

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

**CLINT TUCKER, SR.,
Defendant.**

No. 10 - CR - 30156 DRH

ORDER

HERNDON, Chief Judge:

This matter comes before the Court on defendant Clint Tucker, Sr.'s Motion to Continue trial (Doc. 15), which is currently set for March 14, 2011. Defendant's counsel seeks a continuance of at least 45 days to discuss the Government's proposed plea agreement with Defendant and to schedule a change of plea. There are no codefendants in this case. The Court being fully advised in the premises finds that Defendant's counsel needs additional time.

Every defendant facing criminal charges has a right to a trial by jury or to plead to those charges. If the Court were to deny a continuance despite ongoing plea negotiations, this could severely impact the outcome of the discussions, which would likely result in a miscarriage of justice. **See 18 U.S.C. § 3161(h)(7)(B)(i)**. The Court therefore finds that pursuant to **§ 3161(h)(7)(A)**, the ends of justice served by the granting of such continuance outweigh the best interests of the public and Defendant in a speedy trial. Accordingly, the Court **GRANTS** Defendant's Motion to Continue

(Doc. 15). The Court hereby **CONTINUES** the jury trial scheduled for Monday, March 14, 2011, at 9:00 a.m. to **Monday, May 2, 2011, at 9:00 a.m.** The time from the date the Motion to Continue was filed, March 6, 2011, until the date to which the trial is rescheduled, May 2, 2011, is excludable time for the purposes of speedy trial.

IT IS SO ORDERED.

Signed this 7th day of March, 2011.


David R. Herndon
2011.03.07 11:44:05
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Chief Judge
United States District Court